

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

E-FILING

2008 APR 15 P 3:02

V.

RICHARD W. WIEKING
CLERKU.S. DISTRICT COURT
NO. DIST. OF CA. S. 1

CRIMINAL COMPLAINT

08-70224

HE

Omar CARBALLO-Delgado
(Name and Address of Defendant)

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, May 22, 2007, in Monterey County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

Signature of Complainant

4/15/08
Date

at

San Jose, California
City and StateHoward R. Lloyd
United States Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

RE: CARBALLO-Delgado, Omar A70 063 368

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

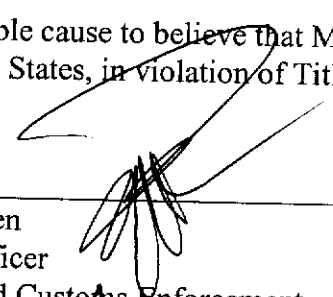
- (1) Mr. CARBALLO-Delgado is a 42-year-old male who has used seventeen (17) aliases and eight (8) dates of birth in the past.
- (2) Mr. CARBALLO-Delgado has been assigned two (2) Alien Registration numbers of A70 063 368 and A70 051 553, FBI number of 720430MA9, California Criminal Information Index number of A09591071, and a California Department of Corrections number F48847.
- (3) Mr. CARBALLO-Delgado is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on seven (7) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
August 6, 1993	Calexico, CA
March 9, 1996	Calexico, CA
January 6, 1997	Calexico, CA
November 18, 1998	Calexico, CA
May 22, 1999	San Ysidro, CA
December 8, 2004	San Ysidro, CA
June 16, 2005	San Ysidro, CA

- (4) Mr. CARBALLO-Delgado last entered the United States at or near San Ysidro, CA on or after June 16, 2005, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. CARBALLO-Delgado on a date unknown, but no later than May 22, 2007, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On May 22, 2007, Mr. CARBALLO-Delgado was interviewed by Immigration Enforcement Agent (IEA) John Ramirez at the CTF-Soledad Prison, Soledad, CA, and during that interview, Mr. CARBALLO-Delgado was advised of his **Miranda** rights in English. Mr. CARBALLO-Delgado waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

RE: CARBALLO-Delgado, Omar A70 063 368

- (6) Mr. CARBALLO-Delgado was, on June 23, 1992, convicted in the Superior Court of California, in and for the County of Orange, for the offense of POSSESSION NARCOTIC CONTROLLED SUBSTANCE, a felony, in violation of Section 11350(a) of the California Health and Safety Code, and was sentenced to ninety (90) days in jail.
- (7) Mr. CARBALLO-Delgado was, on September 17, 1992, convicted in the Superior Court of California, in and for the County of Orange, for the offense of POSSESSION OF NARCOTIC CONTROLLED SUBSTANCE, a felony, in violation of Section 11350(a) of the California Health and Safety Code, and was sentenced to sixteen (16) months in prison.
- (8) Mr. CARBALLO-Delgado was, on March 1, 1999, convicted in the Superior Court of California, in and for the County of Orange, for the offense of ASSAULT WITH A DEADLY WEAPON, a felony, in violation of Section 245(a)(1) of the California Penal Code, and was sentenced to one hundred eighty (180) days in jail.
- (9) Mr. CARBALLO-Delgado was, on November 17, 2000, convicted in the Superior Court of California, in and for the County of Orange, for the offense of POSSESSION NARCOTIC CONTROLLED SUBSTANCE, a felony, in violation of Section 11350(a) of the California Health and Safety Code, and was sentenced to two (2) years in prison.
- (10) Mr. CARBALLO-Delgado was, on January 3, 2006, convicted in the Superior Court of California in and for the County of Orange, for the offense of POSSESSION NARCOTIC CONTROLLED SUBSTANCE, a felony, in violation of Section 11350(a) of the California Health and Safety Code, and was sentenced to two (2) years in prison.
- (11) On the basis of the above information, there is probable cause to believe that Mr. CARBALLO-Delgado illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.


Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 15 day of April, 2008


HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE